

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 10, 20 and 25 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicant respectfully requests the Examiner to accept the proposed amendments. Claims 5, 15-19 and 24 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-5, 6-14, 20-23 and 25-28 are now are presented for examination.

35 U.S.C. § 102 Rejection

Claims 1-4, 6-8, 10-13, 15-18, 20-23 and 25-27 are rejected under 35 U.S.C. §102(e) as being anticipated by Margolus et al., U.S. Pub. No. 20040143743 (“Margolus”).

Margolus discloses a “method by which *more than one client program connected to a network stores the same data item on a storage device of a data repository connect to the network.*” (Abstract; Paragraph 0010; emphasis provided). Margolus further discloses the “. . . use [of] *fingerprints to identify redundant data* and avoid unnecessary transmission and storage of data” (page 1, paragraph 0009; emphasis provided). The data is tested to determine “. . . whether [it] is already stored in the repository, by *comparing [the] digital fingerprint of the data items to digital fingerprints of data items already in storage in the repository.*” (page 2, paragraph 0011; emphasis provided).

In contrast, claim 1, in pertinent part, recites “marking those contents of the client that did not match the contents of the repository for later copying to the repository.” (emphasis provided). Margolus does not teach or reasonably suggest such a feature. The updating to the repository in Margolus is preformed as the fingerprint comparisons are

made, and not marked for later copy to the repository, as recited by claim 1.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 10 and 20 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 10 and 20 and their dependent claims.

35 U.S.C. § 103 Rejection

Claims 9, 14 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Margolus in view of Cox et al., U.S. Patent No. 6,438,724 ("Cox").

With regard to 9, 14 and 28, they depend from one of independent claims 1, 10 and 20 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 9, 14 and 28.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

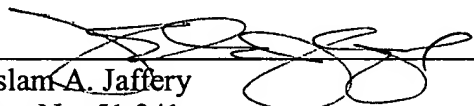
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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